



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

December 21, 2011

David Warner
Director of Permit Services
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244

**Re: EPA Comments on Project Number C-1070846
Facility Name: Chemical Waste Management, Inc. (C-283)**

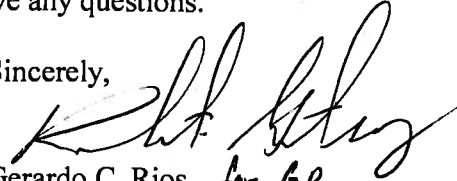
Dear Mr. Warner:

This letter is in response to the San Joaquin Valley Air Pollution Control District's (District) preliminary decision to renew the Title V Permit for Project Number C-1070846 at the Chemical Waste Management, Inc. (CWM) hazardous waste landfill located at 35251 Old Skyline Road in Kettleman City, California. Our comments provided in the enclosure are made in reference to the draft permit renewal submitted to EPA Region 9 electronically on November 3, 2011. Notice of the draft permit renewal was published in the Hanford Sentinel on November 8, 2011. We understand that the District has extended the public comment period originally scheduled to conclude December 8, 2011 until December 23, 2011 for this project.

Comments in the enclosure relate to several permitted units at the facility and the District's Compliance Assurance Monitoring (CAM) discussion in the Title V Permit Renewal Evaluation. We request that the District reevaluate CAM for these emissions units in order to determine whether the requirements under 40 Code of Federal Regulations Part 64 are applicable. As discussed with my staff, EPA will commence its 45 day review period once the District completes its review of the public comments and submits a proposed permit to EPA that includes any revisions made to the draft permit as a result of comments received during the public comment period.

We look forward to working with you to address our comments regarding the draft Title V permit renewal. Please contact Omer Shalev at (415) 972-3538 or shalev.omer@epa.gov, or Geoffrey Glass at (415) 972-3534 or glass.geoffrey@epa.gov if you have any questions.

Sincerely,


Gerardo C. Rios for G.R.
Chief, Permits Office

Enclosure

cc: Jim Swaney, San Joaquin Valley Air Pollution Control District
Juscelino Siongco, San Joaquin Valley Air Pollution Control District
Michael Tollstrup, California Air Resources Board

**Enclosure: EPA Comments on Project Number C-1070846
for Chemical Waste Management, Inc. (C-283) (CWM)**

I. 40 Code of Federal Regulations (CFR) Part 64- Compliance Assurance Monitoring (CAM)

We are concerned that the CAM requirements are not being applied correctly to some of the emissions units at this facility. 40 CFR §64.2- *Applicability* states the following:

- (a) *General applicability.* Except for backup utility units that are exempt under paragraph (b)(2) of this section, the requirements of this part shall apply to a pollutant-specific emissions unit at a major source that is required to obtain a part 70 or 71 permit if the unit satisfies all of the following criteria:
 - (1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under paragraph (b)(1) of this section;
 - (2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and
 - (3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, "potential pre-control device emissions" shall have the same meaning as "potential to emit," as defined in §64.1, except that emission reductions achieved by the applicable control device shall not be taken into account.
- (b) *Exemptions -*
 - (1) *Exempt emission limitations or standards.* The requirements of this part shall not apply to any of the following emission limitations or standards:
 - (i) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act.

Thus, CAM requirements apply to pollutant-specific emissions units that meet the criteria listed under 40 CFR §64(a). Moreover, exemptions under 40 CFR §64(b)(1)(i) only apply to emissions limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act. Other emissions limitations or standards applicable to such an emission unit are not automatically exempt from requirements under CAM. Therefore, if an emission unit has pollutant-specific conditions that are a result of New Source Review (NSR), a District Rule or an NSPS or NESHAP promulgated prior to November 15, 1990, such emissions unit may be subject to CAM. Below are specific examples that may be subject to CAM.

C-283 19-2 Waste Stabilization Unit

Condition 1 of the draft permit states that the Waste Stabilization Unit is exempt from the requirements of 40 CFR Part 63 Subpart DD. However, Page 24 of the District's Title V Permit Renewal Evaluation (Evaluation) states that the facility is subject to 40 CFR §63 Subpart DD and therefore exempt from CAM. Please verify and discuss Subpart DD applicability to this unit in more detail and remove the conflicting indications of applicability. If the unit is exempt from

the emission limitations or standards of 40 CFR §63 Subpart DD, then it cannot also claim an exemption from CAM for emissions limitations or standards that are not imposed on the unit. Furthermore, Conditions 8 and 9 for this Unit contain particulate matter emissions limitations resulting from District Rules 4201 and 4202 respectively. Therefore, the Unit may be subject to CAM due to District Rules which impose additional particulate matter requirements.

Please revise the Evaluation to determine whether CAM applies for the Waste Stabilization Unit, particularly for the pre-control device emissions of regulated air pollutants for which the Unit is classified as a major source. If the District concludes that the Unit is not exempt, then the requirements of 40 CFR §64 are applicable.

C-283-22-14- Municipal Solid Waste Bioreactor Landfill and C-283-25-1- Municipal Solid Waste Landfill

Conditions 41, 45 and 54 for both Units are incorporated from the District's NSR permits. Condition 41 for C-283-22 states that VOC emissions from the flare and landfill shall not exceed 339.5 lb-VOC/day. Condition 41 for C-283-25 states that VOC emissions from the flare and landfill shall not exceed 240.7 lb-VOC/ day. Condition 45 for both Units states that emissions from the flare LPG-fired pilot shall not exceed 0.0055 lb-VOC/MMBtu. Condition 54 for both Units states that the total combined clean (<50 ppm VOC weight) soil cover usage rate of C-283-22 and '-25 shall not exceed 6,000 tons per day. Therefore, both Units may be subject to CAM because of the NSR permit VOC emission limitations, neither of which are in 40 CFR Part 60 Subpart WWW or 40 CFR §63 Subpart AAAA. According to 40 CFR §64.2, the CAM exemption applies to emission limitation or standards proposed by EPA pursuant to sections 111 and 112 since November 15, 1990.

The Evaluation must be revised to determine whether CAM applies to C-283-22-14- Municipal Solid Waste Bioreactor Landfill and C-283-25-1- Municipal Solid Waste Landfill, particularly for the pre-control device emissions of regulated air pollutants for which the Units are classified as a major source. If the District concludes that the Units are not exempt, then the requirements of 40 CFR §64 are applicable.

II. Equipment List

The *Detailed Facility Report* included with the draft permit renewal does not include two emission units listed in the Title V Permit Application submitted by CWM for the Kettleman Hills facility. Specifically, CWM's application equipment list includes a portable generator and portable air compressor under District permits C-283-9 and C-283-10. However, these emissions units are not listed in Attachment D-*Detailed Facility List* and their associated Title V Operating permits are not in the draft permit or located in Attachment B -*Previous Title V Operating Permit* of the Evaluation. The Evaluation must include all applicable emission units and their operating permits, or explain why the units included in the application are not included in the renewal draft permit.

III. Permit Unit C-283-19-2 Waste Stabilization Unit

The Equipment Description for this permit unit should include that this unit is "served by Flexkleen Model 84BV-BS 16 II 6 Pulse Jet Baghouse common to C-283-24." Attachment D-*Detailed Facility List* should also reflect this updated description.